

27869. Unpopped popcorn. (F.D.C. No. 47290. S. No. 47-001 T.)

QUANTITY: 22 100-lb. bags at Memphis, Tenn., in possession of Poston Warehouses, Inc.

SHIPPED: 6-14-61, from Watseka, Ill.

LIBELED: 4-11-62, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects, insect fragments, insect larvae, and insect excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-11-62. Default—destruction.

CONFECTIONERY

27870. Candy. (F.D.C. No. 45563. S. Nos. 31-758/9 R, 46-072/3 R.)

INFORMATION FILED: 6-19-61, M. Dist. Ga., against Southern Confectioners, Inc., Columbus, Ga.

SHIPPED: Between 6-10-59 and 9-12-60, from Georgia to Mississippi and Alabama.

LABEL IN PART: (Pkg.) "QUALITY CANDIES Packed By Southern Confectioners Inc. Columbus, Ga."; "PEANUT BUTTER BAR Southern Confectioners, Inc. Columbus, Georgia Net Wt. 75/100th OZ." and "Southern Confectioners, Inc. Columbus, Georgia Net Wt. 1 Oz. Ingredients: Sugar, Corn Syrup, Cocoanut, Maize, Egg Whites (Milk and Cocoa When Added) Salt, Soda, Artificial Color and Flavor, or Sugar, Corn Syrup, Peanuts, Puffed Wheat, Soda, Salt."

CHARGE: 402(a)(3)—contained larvae, insects, insect fragments, insect pupae, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-5-61. \$1,200 fine.

27871. Candy. (F.D.C. No. 45975. S. No. 51-019 R.)

INFORMATION FILED: 8-2-61, Dist. N. Mex., against Emry A. Phillips, manager of Gholson Bros. Candy Co., Albuquerque, N. Mex.

ALLEGED VIOLATIONS: Between 3-17-60 and 1-12-61, while quantities of candy were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained mouse excreta pellets; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-27-61. \$150 fine.

27872. Candy. (F.D.C. No. 47166. S. No. 7-859 T.)

QUANTITY: 49 ctns., 24 boxes each, at East Providence, R.I.

SHIPPED: 1-3-62, from East Boston, Mass., by Royal Confectionery Co.

LABEL IN PART: (Box) "Net Wt. 14 Oz. Aunt Mary Home Style Chocolate with Fruits and Nuts Ingredients: * * * Artificial Flavors * * * Manufactured by Aunt Mary Chocolates Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the manufacturer's name and address, statement of ingredients, and declaration of artificial flavors were inconspicuous due to being printed in very small type on a mottled background making it difficult to read.

LIBELED: 2-23-62, Dist. R.I.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (i) (2), and (k) to appear on the label, namely, the manufacturer's name and place of business, the statement of ingredients, and the declaration of artificial flavors, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient, since "Fruits" and "Nuts" were generic terms and the label did not specify which fruits, and which nuts were used.

DISPOSITION: 4-9-62. Consent—claimed by Royal Confectionery Co., and released under bond for relabeling.

27873. Candy. (F.D.C. No. 47279. S. No. 45-543 T.)

QUANTITY: 392 boxes, each containing 30 assorted individually wrapped candy bars, at Memphis, Tenn.

SHIPPED: 1-16-62 and 2-22-62, from Centralia, Ill., by Hollywood Brands, Inc.

LABEL IN PART: (Shipping ctn.) "Stock No. 65 Marty's 130 Week End Special Mfg. by Hollywood Brands, Inc., Centralia, Illinois" and (candy bars) "Big Pay Peanut Chocolate Nougat * * * Net Wt. 2 oz."

RESULTS OF INVESTIGATION: Examination showed that the 2-oz. size "Big Pay" candy bar was short weight.

LIBELED: 4-5-62, W. Dist. Tenn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-3-62. Default—delivered to charitable institutions.

27874. Candy. (F.D.C. No. 47379. S. No. 55-973 T.)

QUANTITY: 126 ctns., 12 plastic containers each, at Linden, N.J.

SHIPPED: 1-11-62, from Salem, Mass., by Snow Crest Beverages, Inc.

LABEL IN PART: (Lid) "Snow Crest Snow Caps Net Wt. 5 Ozs. Ing: * * * Vegetable Butter * * * Packed by Snow Crest Beverages, Inc. Salem, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-15-62, Dist. N.J.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i) (2)—the article was fabricated from two or more ingredients and it failed to bear a label containing the common or usual name of each ingredient, since "Vegetable Butter" was not the common or usual name of that ingredient.

DISPOSITION: 4-24-62. Default—delivered to charitable institutions.

27875. Chocolate candy rolls. (F.D.C. No. 46890. S. No. 40-707 T.)

QUANTITY: 50 cases, each containing 24 bags of individually wrapped pieces of candy, at Linden, N.J.